

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule

LSA Document # 99-168(F)

DIGEST

Amends 170 IAC 14-1-2, 170 IAC 14-1-5, 170 IAC 14-1-6 concerning rate changes by small utilities to make conforming changes and to allow discretionary instead of mandatory public hearings upon request of certain parties where small utilities request rate changes. Effective 30 days after filing with the secretary of state.

170 IAC 14-1-2

170 IAC 14-1-5

170 IAC 14-1-6

SECTION 1. 170 IAC 14-1-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-2 Application for rate change

Authority: IC 8-1-1-3; IC 8-1-2-4; IC 8-1-2-61.5

Affected: IC 8-1-2-61.5

Sec. 2. (a) Any small utility availing itself of this procedure must file **an original and eight (8) copies of** an application for rate change with the secretary of the commission and contemporaneously serve a copy of such application on the office of the utility consumer counselor. ~~Said~~ The application must include the following:

- (1) A copy of the proposed notice required in subsection (b)(1) exclusive of the date specified in subsection (b)(1)(A). Proof of publication of the actual notice required in subsection (b)(1) must be filed within fifteen (15) days after the filing of the application for rate change.
- (2) A copy of the proposed written notice required in subsection (b)(2) exclusive of the date specified in subsection (b)(2)(A). An actual copy of the notice required in subsection (b)(2) must be filed within fifteen (15) days after the filing of the application for rate change.
- (3) A complete small utility rate change application form in its current version, which form is available from the **Accounting Rates** Division, Indiana Utility Regulatory Commission, ~~901 State Office Building,~~ **302 West Washington Street, Room E306,** Indianapolis, Indiana 46204.
- (4) A copy of the resolution or ordinance of the utility's governing body ~~which~~ **that** authorizes the application for rate change.
- (5) A verified statement by a responsible officer or manager of the small utility as to whether or not the small utility has an outstanding indebtedness to the federal government, if the small utility is a not-for-profit water utility, conservancy district water utility, or municipal utility.

- (6) Written consent from any agency of the federal government ~~which that~~ is a creditor of the small utility that the utility may obtain an order affecting its rates without a formal public hearing, if the small utility is a not-for-profit water utility, conservancy district water utility, or municipal utility.
- (b) Notice requirements for this procedure comprise the following:
- (1) Publication of a notice of filing of the application for rate change, no later than ten (10) days after the filing of the application for rate change in a newspaper of general circulation in any and all counties in which the utility renders service, which notice will advise the public of the following:
- (A) The date the application for rate change was filed with the utility regulatory commission.
- (B) The statement that the utility has filed its application for rate change under IC 8-1-2-61.5 without the necessary costs of a utility regulatory commission hearing; however, a public hearing by the utility regulatory commission ~~will~~ **may** be held if any public or municipal corporation, ten (10) individuals, firms, corporations, or associations, or ten (10) complainants of all or any of these classes affected by the proposed rate change or the utility consumer counselor requests a formal public hearing by filing a written signed request with the Secretary, Utility Regulatory Commission, ~~913 State Office Building,~~ **302 West Washington Street, Room E306,** Indianapolis, Indiana 46204.
- (C) The overall approximate percentage increase in revenues requested by the utility. Furthermore, if the proposed increase is other than an across-the-board increase, then the approximate percentage increase to each class of customers must be described along with any other information ~~which that~~ fairly summarizes the nature and extent of the proposed changes.
- (D) The written request in clause (B) must be received by the utility regulatory commission within forty (40) days of the date the application for rate change was filed with the utility regulatory commission.
- (E) The statement that there likely will be no hearing in the absence of a written request.
- (2) Provision of written notice of the application for rate change to each customer no later than ten (10) days after the filing of the application for rate change, which notice will advise the customers of the following:
- (A) The date the application for rate change was filed with the utility regulatory commission.
- (B) The statement that the utility has filed its application for rate change under IC 8-1-2-61.5 without the necessary costs of a utility regulatory commission hearing; however, a public hearing by the utility regulatory commission ~~will~~ **may** be held if any public or municipal corporation, ten (10) individuals, firms, corporations, or associations, or ten (10) complainants of all or any of these classes affected by the proposed rate change or the utility consumer counselor requests a formal public hearing by filing a written signed request with the Secretary, Utility Regulatory Commission, ~~913 State Office Building,~~ **302 West Washington Street, Room E306,** Indianapolis, Indiana 46204.

(C) The overall approximate percentage increase in revenues requested by the utility. Furthermore, if the proposed increase is other than an across-the-board increase, then the approximate percentage increase to each class of customers must be described along with any other information ~~which that~~ fairly summarizes the nature and extent of the proposed change.

(D) The written request in clause (B) must be received by the utility regulatory commission within forty (40) days of the date the application for rate change was filed with the utility regulatory commission.

(E) The statement that there likely will be no hearing in the absence of a written request.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-2; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2918; errata, 10 IR 254; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1946)

SECTION 2. 170 IAC 14-1-5 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-5 Hearing on application

Authority: IC 8-1-1-3; IC 8-1-2-4; IC 8-1-2-61.5

Affected: IC 8-1-2-61

Sec. 5. (a) A request for formal public hearing on an application for rate change filed under this rule shall be filed with the secretary of the commission within forty (40) calendar days of the initial filing of the application for rate change, unless the commission extends the period for filing.

(b) The commission ~~shall~~, **may**, upon a request timely filed by any public or municipal corporation, ten (10) individuals, firms, corporations, or associations, or ten (10) complainants of all, or any, of these classes affected by the proposed rate change or by the utility consumer counselor, conduct a formal public hearing with respect to any application for rate change.

(c) The commission may require a formal public hearing on its own motion.

(d) In the event a formal public hearing is ~~required~~, **held**, under this section, the small utility may elect to designate its application to serve as its prefiled evidence, constituting its case-in-chief; however, the small utility is not precluded from filing additional evidence. *(Indiana Utility Regulatory Commission; 170 IAC 14-1-5; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2920; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1947)*

SECTION 3. 170 IAC 14-1-6 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-6 Decision on application

Authority: IC 8-1-1-3; IC 8-1-2-4; IC 8-1-2-61.5

Affected: IC 8-1-2-61

Sec. 6. (a) If no formal hearing is ~~required~~, **held**, the commission may issue an order on the application for rate change based on the data in the application for rate change, the report filed by the utility consumer counselor's staff concerning the application for rate change, and any written response of the small utility to the utility consumer counselor's staff report.

(b) The commission shall not enter an order under this procedure until forty (40) calendar days have elapsed from the date of the initial filing of the application for rate change. (*Indiana Utility Regulatory Commission; 170 IAC 14-1-6; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2920; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1948*)

LSA Document #99-168(F)

Notice of Intent Published: September 1, 1999

Proposed Rule Published: October 1, 1999

Hearing Held: October 25, 1999

Approved by Attorney General:

Approved by Governor:

Filed with Secretary of State:

Incorporated Documents Filed with Secretary of State: None

INDIANA UTILITY REGULATORY COMMISSION

Approval of Amendment to Rule 170 IAC 14-1-2, 170 IAC 14-1-5, and 170 IAC 14-1-6

ORIGINAL
LSA Document #99-168(F)

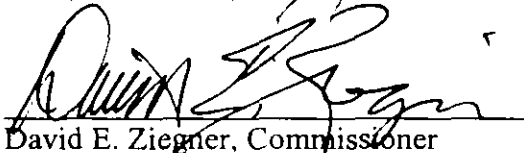
RM99-06

Upon prior publication of notice, and public hearing having been held on October 25, 1999, at 9:30 a.m., EST, as required by the provisions of I.C. 4-2-2-1, et. seq., the Indiana Utility Regulatory Commission, on November 17, 1999, at 2:00 p.m., EST in Room E306, IGC-South, Indianapolis, Indiana at which time a majority of the members of said Commission were present, adopted the foregoing rule.

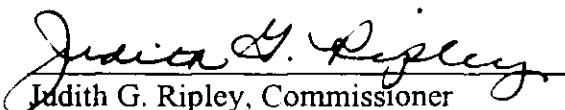
The Secretary is hereby directed to submit five (5) copies of the aforesaid rules to the Attorney General of Indiana, for his approval of same, and thereafter file one (1) duplicate approved copy with the Secretary of State of Indiana.


Chairman William D. McCarty

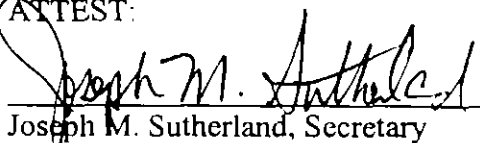

G. Richard Klein, Commissioner


David E. Ziegner, Commissioner

Absent
Camie Swanson-Hull, Commissioner


Judith G. Ripley, Commissioner

ATTEST:


Joseph M. Sutherland, Secretary

NOV 17 1999

Approval of the Amendment of Rule

170 IAC 14-1-2, 170 IAC 14-1-5, and 170 IAC 14-1-6

LSA Document #99-168(F)

RM99-06


Approved as to legality,

today: 12/20/99


JEFFREY MODEST
Attorney General of Indiana

Approved,

today: 1/4/2000


FRANK O'BANNON
Governor of Indiana

Filed, today: 1/5/00
3:52 pm


SUE ANN GILROY CH
Secretary of State